

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LORRAINE WETZEL,

Plaintiff,

-against-

NOTICE OF MOTION

08 Civ. 0196 (SCR)

THE TOWN BOARD OF ORANGETOWN,
THE TOWN OF ORANGETOWN,
THOM KLEINER, MARIE MANNING AND
DENIS TROY,

ECF Case

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Lance H. Klein, Esq., sworn to on April 4, 2008, and the exhibits annexed thereto, the accompanying Memorandum of Law in support of Defendants' Motion to Dismiss, and upon all of the pleadings and proceedings heretofore had herein, Defendants the Town Board of Orangetown, the Town of Orangetown, Thom Kleiner, Marie Manning and Denis Troy (collectively the "Defendants") will move this Court before the Honorable Stephen C. Robinson, United States District Judge, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York 10601, on May 23, 2008, at 10:00 a.m., or as soon thereafter as counsel may be heard, for an Order (i) dismissing the second and fourth claims in the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted; (ii) dismissing the third claim in the Complaint pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction; (iii) dismissing the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted against Defendants Thom Kleiner, Marie Manning and Denis Troy; (iv) striking Exhibit 4 from the Complaint pursuant to Fed. R. Civ. P. 12(f); (v)

staying the adjudication of this action until certain claims raised in *Wetzel v. Town of Orangetown, et al.*, 06 Civ. 6117 (SCR), have been resolved; and (vi) awarding the Defendants such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to direction of this Court, Plaintiff shall serve opposing papers, if any, upon the offices of the attorneys for the Defendants, on or before May 9, 2008.

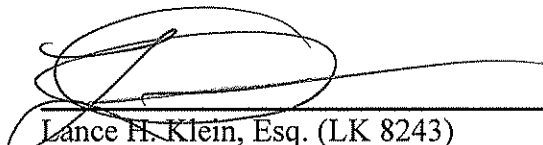
PLEASE TAKE FURTHER NOTICE, that pursuant to direction of this Court, the Defendants shall serve their reply papers, if any, upon the offices of the attorneys for the Plaintiff on or before May 23, 2008.

Dated: White Plains, New York
April 4, 2008

Respectfully Submitted,

KEANE & BEANE, P.C.

By:



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